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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,025	02/01/2001	Bruce I. Rosen	38,097	8274

7590 12/04/2002

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Chicago, IL 60601-7125

EXAMINER

OH, TAYLOR V

ART UNIT

PAPER NUMBER

1625

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,025

Applicant(s)

ROSEN, BRUCE I.

Examiner

Taylor Victor Oh

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1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/27/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Final Rejection

The Status of Claims

Claims 1-20 have been rejected.

Claim Rejections - 35 USC 103

1. Applicants' argument filed 11/27/2002 have been fully considered but are persuasive.

Rejection of Claims 1-20 under 35 U.S.C. 103 (a) as being unpatentable over Sikkenga et al (U.S. 5,256,817) in view of Partenheimer et al (U.S. 5,081,290).

The rejection of Claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Sikkenga et al (U.S. 5,256,817) in view of Partenheimer et al (U.S. 5,081,290) is maintained for the reasons of the record in paper no. 2.

Response to Argument

Applicants argue the following issues:

1. the applicants has discovered that lowered purification temperature reduced the amounts of undesirable impurities ;

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2. there are several advantages at lower temperatures for purifying a naphthalenic acid such as avoiding the required substantial investment in plants, avoiding the large investment in energy to heat reaction mixtures;
3. Partenheimer et al has no teaching of using any group IVB metal as a catalyst for purifying naphthalenic acid ;
4. the teachings of Sikkenga et al combined with Partenheimer et al cannot result in the purification ,but an oxidation process .

Applicants' arguments have been noted, but the arguments are not persuasive.

First, regarding the first argument, the Examiner has noted applicants' argument. However, Sikkenga et al does teach the temperature of at least 500° F. (see col. 3 , lines 5-10) at which the method of purifying the naphthalenedicarboxylic acid is obtained from the oxidation of 2,6- dimethylnaphthalene by treating the impure naphthalenedicarboxylic acid with hydrogen in the presence of a Group VIII noble metals supported on carbon. Furthermore, the limitation of a process with respect to ranges of pH, time and temperature does not impart patentability to a process when such values are those which would be determined by one of ordinary skill in the art in achieving optimum operation of the process. Temperature is well understood by those of ordinary skill in the art to be a result-effective variable, especially when attempting to control selectivity of a chemical process. Therefore, it would have been obvious to the skilled artisan in the art to have motivated to optimize the reaction parameter such as temperature by routine experimentations in order to improve the purity and yield of the desired product.

Second, with respect to the second argument, the Examiner has noted applicants' argument. However, they are obtained as a result of optimization process. Therefore, they do not have any patentable weight over the prior art reference.

Third, concerning the third argument, the Examiner has noted applicants' argument. However, the secondary Partenheimer et al reference has been used to supplement the primary reference regarding the use of tin belonging to the group IVB metal. The Partenheimer et al reference does disclose a process of producing an aromatic dicarboxylic acid by the oxidation of a polyalkyl aromatic compound such as 2,6-naphthalenedicarboxylic acid obtained from the oxidation of 2,6-dimethylnaphthalene (see col. 2, table 1) in the presence of a catalyst system containing other catalysts and tin. Furthermore, the primary Sikkenga et al reference does teach the method of purifying a naphthalenedicarboxylic acid such as 2,6-naphthalenedicarboxylic acid obtained from the oxidation of 2,6-dimethylnaphthalene (see col. 4, lines 27-28). Therefore, there is a relationship between the two references; that is, the oxidation process takes place in either of their processes by way of getting to the purification process. Therefore, the secondary Partenheimer et al reference is relevant to the claimed invention.

Fourth, concerning the fourth argument, the Examiner has noted applicants'

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argument. However, the secondary Partenheimer et al reference has been used to supplement the primary reference regarding the use of tin belonging to the group IVB metal. The Partenheimer et al reference does disclose a process of producing an aromatic dicarboxylic acid by the oxidation of a polyalkyl aromatic compound such as 2,6- naphthalenedicarboxylic acid obtained from the oxidation of 2,6- dimethylnaphthalene (see col. 2 , table 1) in the presence of a catalyst system containing other catalysts and tin. Furthermore, the primary Sikkenga et al reference does teach the method of purifying a naphthalenedicarboxylic acid such as 2,6- naphthalenedicarboxylic acid obtained from the oxidation of 2,6- dimethylnaphthalene (see col. 4 ,lines 27-28). From this, it follows that there is a relationship between the two references; that is, the oxidation process takes place in either of their processes by way of getting to the purification process. Therefore, the teachings of Sikkenga et al combined with Partenheimer et al can be result in the purification .

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

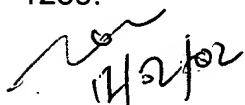
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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Victor Oh whose telephone number is (703) 305-0809. The examiner can normally be reached on 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman can be reached on (703) 308-4698. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4556 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Handwritten signature of T. Victor Oh, dated 11/2/02.Handwritten signature of Alan L. Rotman.

ALAN L. ROTMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600